

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

TYRONE HURT,

Plaintiff(s),

vs.

HILLARY R. CLINTON, et al.,

Defendant(s).

Case No. 2:17-cv-00315-JAD-NJK

ORDER

Plaintiff is proceeding in this action *pro se* and requested authority pursuant to 28 U.S.C. § 1915 to proceed *in forma pauperis*. Docket No. 1. On January 30, 2017, the Court denied Plaintiff's application without prejudice. Docket No. 3. On February 21, 2017, Plaintiff submitted the affidavit required by § 1915(a) showing an inability to prepay fees and costs or give security for them. Docket No. 4. On March 2, 2017, therefore, the Court granted his request to proceed *in forma pauperis*. Docket No. 5. The Court also screened Plaintiff's complaint, which it dismissed with leave to amend because it was "not sufficiently legible to enable the Court or any opposing party to fully understand it." *Id.* at 1. The Court advised Plaintiff that if he wished to refile the complaint, "it must either be typewritten or handwritten legibly." *Id.* The Court expressly warned Plaintiff that failure to comply with its order would result in the recommended dismissal of this case without prejudice. *Id.* at 2.

Plaintiff has now submitted another handwritten complaint. Docket No. 7. In violation of the Court's clear order, the amended complaint is also illegible and, therefore, the Court is unable to screen it. *Id.* The Court gives Plaintiff one final opportunity to comply with its order. Plaintiff

1 is permitted to file a second amended complaint, which must be either typewritten or handwritten  
2 legibly.

3 Accordingly,

4 **IT IS ORDERED** that:

- 5 1. The Amended Complaint is **DISMISSED** for failure to comply with LR IA 10-  
6 1(a)(2), with leave to amend. Plaintiff will have until **April 17, 2017**, to file a  
7 Second Amended Complaint, if he believes he can correct the noted deficiencies. If  
8 Plaintiff chooses to filed a Second Amended Complaint, he is informed that the  
9 Court cannot refer to a prior pleading (i.e., the Amended Complaint) in order to make  
10 the Second Amended Complaint complete. *See Loux v. Rhay*, 375 F.2d 55, 57 (9th  
11 Cir. 1967). Local Rule 15-1 requires that a Second Amended Complaint be complete  
12 in itself without reference to any prior pleading. Once a plaintiff files a Second  
13 Amended Complaint, the Amended Complaint no longer serves any function in the  
14 case. Therefore, in a Second Amended Complaint, as in an Amended Complaint,  
15 each claim and the involvement of each defendant must be sufficiently alleged.  
16 Failure to comply with this Order will result in the recommended dismissal of this  
17 case, without prejudice.

18 Dated: March 17, 2017

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20 NANCY J. KOPPE  
21 United States Magistrate Judge  
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